

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

LA UNION DEL PUEBLO ENTERO, et	§	
al.,	§	
	§	
<i>Plaintiffs,</i>	§	
	§	CIVIL ACTION NO. 5:21-CV-00844-XR
v.	§	(Consolidated Cases)
	§	
GREGORY W. ABBOTT, et al.,	§	
	§	
<i>Defendants.</i>	§	

**DEFENDANT HARRIS COUNTY DISTRICT ATTORNEY
KIM OGG’S ADVISORY TO THE COURT**

Defendant Kim Ogg, in her official capacity as Harris County District Attorney (“District Attorney Ogg”), files this advisory to the Court following the Court’s amended order (Dkt. 700).

District Attorney Ogg was not provided with any information from any of the plaintiffs—the United States or any of the Private Plaintiffs—on the time they anticipate using during the trial scheduled to begin on September 11, 2023, much less “which witnesses are expected to testify on which days and the subject matter of their testimony.”

Accordingly, especially as a limited-role defendant,¹ it is impossible for District Attorney Ogg to provide the Court with information on anticipated cross-examination of witnesses called by the plaintiffs. It would be District Attorney Ogg’s plan to cross examine witnesses whose testimony could potentially concern claims made against her. Without having been provided with information from the plaintiffs about what if any such testimony plaintiffs intend to present,

¹As the Court is aware, District Attorney Ogg has a limited role in the case, as she is currently a defendant only (per the Court’s prior orders) as to claims made by certain of the Private Plaintiffs with respect to provisions of S.B. 1 that add to or amend existing provisions of the Texas Election Code in a manner that Private Plaintiffs claim concern the State’s criminal laws.

District Attorney Ogg is not able to provide the Court with meaningful information at this time about what her trial presentation would involve in terms of cross examination or rebuttal witness testimony.

Respectfully submitted,

BUTLER SNOW LLP

By: /s/ Eric J.R. Nichols

Eric J.R. Nichols

State Bar No. 14994900

eric.nichols@butlersnow.com

Cory R. Liu

State Bar No. 24098003

cory.liu@butlersnow.com

Victoria A. Giese

State Bar No. 24126391

victoria.giese@butlersnow.com

1400 Lavaca Street, Suite 1000

Austin, Texas 78701

Tel: (737) 802-1800

Fax: (737) 802-1801

**ATTORNEYS FOR DEFENDANT
DISTRICT ATTORNEY KIM OGG,
IN HER OFFICIAL CAPACITY AS
HARRIS COUNTY DISTRICT
ATTORNEY**

CERTIFICATE OF SERVICE

I hereby certify that on August 11, 2023, a true and correct copy of the foregoing document was served on all counsel of record by filing with the Court's CM/ECF system.

/s/ Eric J.R. Nichols

Eric J.R. Nichols